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EXAMINER

HEFFINGTON, JOHN M

ART UNIT

PAPER NUMBER

2179

NOTIFICATION DATE

DELIVERY MODE

11/17/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/789,016	<b>Applicant(s)</b> OLANDER ET AL.	
	<b>Examiner</b> JOHN HEFFINGTON	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-66 and 68-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-66 and 68-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/9/09, 6/29/09</u>  | 6) <input type="checkbox"/> Other: _____                          |



### **DETAILED ACTION**

This action is in response to the amendment filed on 29 July 2009. Claims 34-35, 39-54, 58-66, and 68-69 have been amended. Claims 1-33 and 67 have been canceled. Claims 70-72 have been added. Claims 34-66 and 68-72 are pending and have been considered below.

### ***Response to Arguments***

Applicant's arguments with respect to claims 34 and 50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 34-42, 44-66, 69-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Burd et al. (US 6,961,750 B1).

1-33. (Canceled).



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Claim 34: Burd discloses a method for rendering a graphical user interface (GUI), comprising:

- a. providing for the representation of the GUI as a plurality of objects (column 4, lines 53-55);
- b. generating a logical hierarchy for the plurality of objects (column 4, lines 56),
- c. using metadata meta data, wherein, the metadata is based on one or more definitions in a page description language, (column 8, lines 20-26, [the text file represents metadata in an authoring language], column 9, lines 37-50, [plain text declarations sent to a page compiler], column 12, lines 12-18, [page developers], column 5, lines 18-27, [authoring languages include such page description languages as HTML, SGML, XML, etc]), and wherein,
- d. the metadata includes information about properties, events, and model binding that have values set in page descriptions (column 12, lines 21-24, [property arguments, and event bindings, column 19, lines 51-55, resolving binding relationships]), and
- e. using an interchangeable lifecycle driver to drive the logical hierarchy through a sequence of states (column 5, lines 39-42, [handlers to handle different types of resources], column 8, lines 12-13, [the handler resolves the URL request and invokes na appropriate handler factory, e.g. a page factory module], column 15, lines 1-11, [processing a page object, a page object constructor is called by the page factory module. a page object is created that logically corresponds to the web page user interface on the client. The page factory module initiates the



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staged operations for processing the HTTP request received from a client]),

wherein

- f. the interchangeable lifecycle driver isolates lifecycle driver implementation details from a container of the logical hierarchy and allows different lifecycle implementations to be interchanged (column 5, lines 36-42, figure 1, [the HTTP pipeline module invokes the appropriate handler, i.e. interchangeable handler, and figure 1 clearly shows that the appropriate handler is separate from the container of the logical hierarchy])

Claim 35: Burd discloses the method of claim 34, and Burd further discloses prior to the providing step, accepting a request to render a graphical user interface (GUI) (column 5, lines 31-33, figure 1).

Claim 36: Burd discloses the method of claim 35 and Burd further discloses the request in a hypertext transfer protocol (HTTP) request (column 5, lines 31-33, figure 1).

Claim 37: Burd discloses the method of claim 35 and Burd further discloses the request originates from a Web browser (column 4, lines 59).

Claim 38: Burd discloses the method of claim 34, and Burd further discloses generating a response (column 5, lines 31-33, figure 1).



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Claim 39: Burd discloses the method of claim 34, and Burd further discloses allowing a first object in the logical hierarchy to respond to an event raised by a second object in the logical hierarchy (column 3, lines 54-57, [one control object can raise an event that is thereafter detected and processed by one or more concurrently existing control objects]).

Claim 40: Burd discloses the method of claim 34, and Burd further discloses allowing an object in the logical hierarchy can have to use an interchangeable persistence mechanism (column 16, lines 11-15, [states of one or more control objects are recorded by the save operation. since this operation is executed by the page factory module and the page factory module is interchangeable, the save operation is also interchangeable]).

Claim 41: Burd discloses the method of claim 34, Burd further discloses allowing an object in the logical hierarchy can have to use an interchangeable rendering mechanism (column 18, lines 35-40).

Claim 42: Burd discloses the method of claim 34 and Burd further discloses in the providing step, an object can represent one of: button, text field, menu, table, window, window control, title bar, pop-up window, check-box button, radio button, window frame, desktop, shell, head, body, header, footer, book, page, layout, placeholder, portlet and



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toggle button (column 8, lines 54-59).

Claim 44: Burd discloses the method of claim 34 and Burd further discloses providing a theme that specifies the appearance and/or functioning of an object of the logical hierarchy in the GUI, as disclosed in the claims (column 1, lines 30-32, 54-61).

Claim 45. Burd discloses the method of claim 34 and Burd further discloses rendering a first object in the logical hierarchy can be accomplished in parallel with a second object in the logical hierarchy (column 15, lines 47-52, [the order of operation of the page object and descendent control objects depends on various factors]).

Claim 46: Burd discloses the method of claim 34, Burd further comprising specifying a theme for the logical hierarchy can be specified in whole or in part by a properties file (column 1, lines 30-32, 54-61).

Claim 47: Burd discloses the method of claim 46 and Burd further discloses in the specifying step, the properties file can include at least one of: 1) cascading style sheet; 2) Java Server Page; 3) Extensible Markup Language; 4) text; 5) Hypertext Markup Language; 6) Extensible Hypertext Markup Language; 7) JavaScript; and 8) Flash MX column 5, lines 18-27, [authoring languages include such page description languages as HTML, SGML, XML, etc]).



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Claim 48: Burd discloses the method of claim 46 in the specifying step, the properties file can specify at least one image (column 1, lines 54-61).

Claim 49: Burd discloses the method of claim 34 and Burd further discloses in the providing step, the GUI is part of a portal on the World Wide Web (column 3, lines 23).

Claims 50-59 and 61-66: Claims 50-59 and 61-66 disclose a machine readable medium having instructions stored thereon that when executed by a processor cause a system to carry out the method of claims 39-41, 35-38, 42 and 44-49 and are rejected along that same rational.

Claim 59: Burd discloses the machine readable medium of claim 50 and Burd further discloses instructions to associating associate a theme with an object when the object is rendered (column 1, lines 30-32).

67. (Canceled).

Claim 69: Burd discloses the method of claim 34, and Burd further discloses generating a page implementation class to render the GUI in concert with the logical hierarchy (column 8, lines 54-56).



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Claim 70: Burd discloses the method of claim 34, and Burd further discloses mapping one or more tag extensions into the logical hierarchy when the logical hierarchy is rendered, wherein the one or more tag extensions represent at least one control in the logical hierarchy, and wherein at least one tag extension can locate a metadata description of the logical hierarchy and create the logical hierarchy (column 10, lines 16-19, column 15-24).

Claim 71: Burd discloses the method of claim 34, and Burd further discloses implementing the logical hierarchy as a control tree (column 7, lines 28).

Claim 72: Burd discloses the method of claim 71, and Burd further discloses using a streaming control tree factory to create the control tree (column 8, lines 31-53, [the resource is read and dynamically compiled and then just-in-time compiled, i.e. streamed, into platform native language, or the native instructions are generated directly from the source file]) from an XML stream (column 8, lines 20-26, [the text file represents metadata in an authoring language], column 9, lines 37-50, [plain text declarations sent to a page compiler], column 12, lines 12-18, [page developers], column 5, lines 18-27, [authoring languages include such page description languages as HTML, SGML, XML, etc]), wherein the streaming control tree factory can map each user into an individual control stream (column 8, lines 31-53, [generating the control object hierarchy]) and regenerate the control tree if the XML stream changes (column 8,



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lines 4-6, [the HTTP request is accepted into an HTTP pipeline. Obviously, if the HTTP request changes, a different resource will be referenced]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 43, 60 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burd et al. (US 6,961,750 B1) in view of Witwer et al. (US 2004/0098360 A1).

Claim 43: Burd discloses the method of claim 34, but does not disclose allowing an object in the logical hierarchy to inherit a theme from a parent object, as disclosed in the claims. However, Burd discloses that the hierarchy of components may be in



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dependency relationships, i.e. one object inherits from a parent object, and, in the same field of invention, Witwer discloses a hierarchy of components making up a web portal (paragraph 0022), wherein the user is able to define to some degree the look and feel, i.e. theme, of the portal (paragraph 0040). In defining the look and feel of a portal, the look and feel of a parent object must be defined. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, with the teachings of Burd and Witwer before him, to add defining the look and feel of a parent object of the portal, or web page, as disclosed in Witwer and the dependency, or inheritance of properties in a child object from a parent object, as disclosed in Burd, in order to allow an object in the logical hierarchy to inherit a theme from a parent object, to the teachings of Burd. It would have been obvious to add allowing an object in the logical hierarchy to inherit a theme from a parent object, as disclosed in Burd in view of Witwer, to the teachings of Burd to allow a web page or portal to closely reflect the unique personality, interests, preferences of a particular user (Witwer: paragraph 0040).

Claim 60: Claim 60 discloses a machine readable medium having instructions stored thereon that when executed by a processor cause a system to carry out the method of claim 43 and is rejected along that same rational.

Claim 68: Burd discloses the method of claim 34 but does not disclose one of the plurality of objects is a desktop object and the desktop object contains one or more personalized views, as disclosed in the claims. However, in the same field of invention,



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Witwer discloses one of the plurality of objects is a desktop object and the desktop object contains one or more personalized views (paragraph 0019). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, with the teachings of Burd and Witwer before him, to add one of the plurality of objects is a desktop object and the desktop object contains one or more personalized views, as disclosed in Witwer, to the teachings of Burd. One would have been motivated to add one of the plurality of objects is a desktop object and the desktop object contains one or more personalized views, as disclosed in Witwer, to the teachings of Burd in order provide a user with a way to create a customized, personal web site that can be created and maintained in an efficient manner (Witwer: paragraph 0008).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARA HANNE/  
Primary Examiner, Art Unit 2179

11/5/09  
JMH